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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,253	12/02/2003	David L. Patton	87056DMW	3498

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EXAMINER

GE, YUZHEN

ART UNIT	PAPER NUMBER
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2624

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/726,253	Applicant(s) PATTON ET AL.	
	Examiner YUZHEN GE	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 45-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 45-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Examiner's Remark

Applicant's amendment, filed on March 11, 2008, has been received and entered into the file. Claims 45-56 are pending.

Regarding applicant's argument that Kanno discloses selecting an area and then simply modifying the area; it does not disclose a first and second metadata designing the same area for modification, the examiner disagrees. Kanno discloses identifying an area and performing various kinds of processing on the area (Fig. 20, col. 7, lines 51-57, col. 11, lines 1-3, col. 17, lines 46-62). As recited in the claim, a metadata identifies a region and a colorimetric transformation. A metadata disclosed by Kanno is associated with a colorimetric transform on the same region (for example, a metadata is associated with hue adjustment, a metadata is associated with saturation adjustment, and a metadata is associated with lightness adjustment in Fig. 20(c), all of these adjustments are different colorimetric transforms, each transform is different from another transform, for example, saturation adjustment is different from hue adjustment). Therefore two different colorimetric characteristics are produced for the same area.

Regarding applicant's argument that Nishida is for producing the same color representation and consequently one skilled in the art would not look to a reference that "teaches away" from the claimed result to combine with Kanno, the examiner disagrees. Nishida teaches producing the same color representation so that colors such as skin colors appear to be the same for different outputting and displaying devices (abstract, paragraph [0008]-[0009]). To achieve same color representation, different colorimetric transformations are used in different displaying or outputting devices for the same region. The teaching of Kanno et al is also about converting

colors so that colors can be converted to a certain color (abstract, Fig. 20, col. 3, lines 46-55).

The color conversion or color transform of Kanno et al can certainly be used to obtain same color representation of an object on different outputting/displaying devices. Therefore the 103 rejections of the pending claims have not been overcome by the amendments and arguments.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 45-52 and 54-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanno et al (US Patent 6,434,266) in view of Nishida (US Patent Pub. 2002/0105661).

Regarding claim 45, Kanno et al teach a method for modifying at least one colorimetric attribute of a predetermined region of a motion picture frame (col. 10, lines 66-67, col. 11, lines 8-10, col. 12, lines 1-2, the picture frame here can be a motion picture frame) comprising:

(a) preparing a master motion picture frame having said first predetermined region (Figs. 10 and 20, col. 5, lines 26-35, col. 7, lines 24-30, a designated area is such a region, col. 17, lines 46-62);

(b) generating a first metadata identifying the first predetermined region and identifying a first colorimetric transformation for application to the first predetermined region and generating a second metadata identifying the first predetermined region and a second colorimetric transformation, different from the first colorimetric transformation, for application to the first

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predetermined region (Fig. 20, col. 7, lines 51-57, col. 11, lines 1-3, different conversions correspond to different metadata, col. 17, lines 46-62, for example, a metadata is associated with hue adjustment, a metadata is associated with saturation adjustment, and a metadata is associated with lightness adjustment in Fig. 20(c), all of these adjustments are different colorimetric transforms, saturation adjustment is different from hue adjustment); and

applying the first colorimetric transform to pixels of said master motion picture frame within said first predetermined region, resulting in the first predetermined region having a first color characteristics (Fig. 20, col. 17, lines 46-62)

applying the second colorimetric transform to pixels of said master motion picture frame within said first predetermined region, resulting in the first predetermined region having a second color characteristics (Fig. 20, col. 17, lines 46-62).

However they do not explicitly teach

(c) transmitting said master motion picture frame and first metadata to a first movie theater and transmitting said motion picture frame and the second metadata to a second movie theater; and

(d) the first colorimetric transform being applied at the first movie theater, thereby modifying the at least one colorimetric attribute and the second colorimetric transform being applied at the second movie theater to pixels, thereby modifying the at least one colorimetric attribute.

In the same field of endeavor, Nishida teaches

(c) transmitting an image and a first metadata to a first display/print site and transmitting the image and a second metadata to a second display/print site (paragraphs [0015], [0030]-[0031]); and

(d) applying a first colorimetric transform at the first display/print site, thereby modifying the at least one colorimetric attribute and applying a second colorimetric transform at the second display/print site, thereby modifying the at least one colorimetric attribute (paragraphs [0015], [0030]-[0031]).

A printing system taught by Nishida is for display images or picture frames and so is a movie theater. It is desirable to adapt to different displaying systems/printing systems and increase efficiency in the process of distribution (paragraph [0013] of Nishida). Therefore it would have been obvious to one of ordinary skill in the art, at the time of invention, to use the method of Nishida in the method of Kanno et al so that efficiency in distribution is increased.

Regarding claim 46, Kanno et al and Nishida teach a method for modifying at least one colorimetric attribute according to claim 45. Kanno et al further teach wherein the step of applying the first and second colorimetric transform is within predetermined colorimetric limits for flesh tones, said predetermined limits specified in said metadata (col. 12, lines 55-61, col. 5, lines 23-35, col. 18, lines 45-52, Fig. 20, col. 17, lines 46-62, the designated color can be for flesh tones or within the colorimetric limits for flesh tones).

Regarding claim 47, Kanno et al and Nishida teach a method for modifying at least one colorimetric attribute of the first predetermined region of a motion picture frame according to

claim 45. Kanno et al teach further the step of displaying a modified master motion picture frame (col. 5, lines 23-35).

Regarding claim 48, Kanno et al and Nishida teach a method for modifying at least one colorimetric attribute of the first predetermined region of a motion picture frame according to claim 45 wherein the step of preparing a master motion picture frame having metadata comprises the steps of

(a) identify the first predetermined region by processing a master motion picture frame and generating said first and second metadata identifying the same predetermined region (Fig. 20, col. 11, lines 6-16, col. 12, lines 53-67, col. 17, lines 46-62, metadata that corresponds to color conversion and adjustment is generated); and

(b) associating said first and second metadata with said master motion picture frame (Fig. 20, col. 7, lines 51-57, col. 11, lines 1-16, col. 12, lines 53-67, different conversions correspond to different metadata, col. 17, lines 46-62).

Regarding claim 49, Kanno et al and Nishida teach a method for modifying at least one colorimetric attribute of the first predetermined region of a motion picture frame according to claim 45. Kanno et al further teach wherein the step of processing said master motion picture frame comprises the step of applying a recognition algorithm to said pixels of said master motion picture frame (col. 14, lines 45-50, col. 15, lines 1-6, col. 20, lines 1-7, a recognition algorithm is implicitly applied, also recognition algorithm is well known in the art to recognize skin area or flesh area).

Regarding claim 50, Kanno et al and Nishida teach a method for modifying at least one colorimetric attribute of the first predetermined region of a motion picture frame according to claim 45. Kanno et al further teach wherein the step of applying a colorimetric transform requires an operator selection from a plurality of available colorimetric transforms (Fig. 20).

Regarding claim 51, Kanno et al and Nishida teach a method for modifying at least one colorimetric attribute of the first predetermined region of a motion picture frame according to claim 45. Kanno et al further teach the step of storing the motion picture frame that was modified at either the first or second movie theater/displaying site (col. 5, lines 23-35, col. 18, lines 45-52, the data is stored in memory in order to be displayed).

Claim 52 combines the limitations from claims 1 and 2 and applies to consecutively displayed digital motion picture frames and with added limitation:

(c) receiving said master motion picture and the first metadata at the first movie theater and receiving said master motion picture and the second metadata at the second movie theater.

Nishida teaches (c) receiving image data and a first metadata at the display/print site and receiving the same image data and a second metadata at the display/print site (paragraphs [0015], [0030]-[0031]).

Therefore the combination of Kanno et al and Nishida teach claim 52.

Regarding claim 54, Kanno et al and Nishida teach a method for modifying an original flesh tone

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in a set of consecutively displayed digital motion picture frames according to claim 52. Kanno et al further teach the step of storing said modified set of consecutively displayed digital motion picture frames (col. 5, lines 23-35, col. 18, lines 45-52, the data is stored in memory in order to be displayed).

Regarding claim 55, Kanno et al and Nishida teach a method for modifying an original flesh tone in a set of consecutively displayed digital motion picture frames according to claim 52. Kanno et al further teach the step of substituting said set of consecutively displayed digital motion picture frames into said master motion picture to form a modified motion picture (Fig. 20, col. 17, lines 46-62, when a picture frame is modified and displayed it is substituting the original inputted picture frame).

Regarding claim 56, Kanno et al and Nishida teach a method for modifying an original flesh tone in a set of consecutively displayed digital motion picture frames according to claim 52. Kanno et al further teach wherein the step of applying said first and second colorimetric transform is performed during display of said modified motion picture (col. 5, lines 23-35, col. 16, lines 18-26).

3. Claims 46 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanno et al in view of Nishida, further in view of Patton et al (US Patent, 6,396,599, cited by IDS).

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Regarding claims 46 and 53, Kanno et al and Nishida teach a method for modifying at least one colorimetric attribute according to claims 45 and 52. However they do not explicitly teach wherein the step of applying a colorimetric transform is within predetermined colorimetric limits for the original flesh tones, said predetermined limits specified in said metadata. In the same field of endeavor, Patton et al teach a step of conforming within predetermined colorimetric limits for the original flesh tones, said predetermined limits specified in a metadata (col. 1, lines 42-55, the flesh tones can be regarded as part of metadata). It is desirable to compensate for different skin tones in accordance with customers preferences and reproduce color with pleasing tone (col. 1, lines 15-25 and col. 1, line 64-col. 2, line 5 of Patton et al). Therefore it would have been obvious to one of ordinary skill in the art, at the time of invention, to use the method Patton et al in the method of Kanno et al and Nishida so that skin tones can be adjusted according to customer's preference to produce a pleasing tone.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yuzhen Ge whose telephone number is 571-272 7636. The examiner can normally be reached on 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 571-272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bhavesh M Mehta/
Supervisory Patent Examiner, Art Unit 2624

Yuzhen Ge
Examiner
Art Unit 2624